



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Melissa Natalewicz,
Department of the Treasury

CSC Docket No. 2022-278

Classification Appeal

ISSUED: OCTOBER 12, 2021 (RE)

Melissa Natalewicz requests a retroactive effective date to April 11, 2020 of the reclassification of her position from Claims Investigator 1 to Claims Investigator 2.

The record in the present matter establishes that the petitioner, a permanent Claims Investigator 1, with the Department of the Treasury, completed a Position Classification Questionnaire (PCQ) and submitted the PCQ to her supervisor in early March 2020. The petitioner’s supervisor explains that shortly thereafter, all staff was sent home because of the COVID-19 pandemic, and that the petitioner’s PCQ unfortunately got lost or overlooked in the rapid transition of shifting to remote work duties. The supervisor explains that in July 2020 she went out on an extended leave. She states that the petitioner’s PCQ was finally submitted to Human Resources on October 30, 2020. On May 3, 2021, the supervisor learned from the petitioner that the appeal had not been sent to the Division of Agency Services (Agency Services). The petitioner requests that the Civil Service Commission provide her with a retroactive appointment date to April 11, 2020, due to administrative error. The supervisor provides the same facts, and the appointing authority concurs.

CONCLUSION

In the instant matter, the petitioner submitted a request for a reclassification of her position to her supervisor on March 2, 2020, but the request was not

forwarded to Human Resources until October 30, 2020. The petitioner was granted a reclassification to the title of Claims Investigator 2 with an effective date of May 22, 2021. the petitioner requests, with the support of her supervisor and the appointing authority, a retroactive effective date of her reclassification due to the untimely submission of her request to Human Resources.

In accordance with *N.J.A.C. 4A:3-3.9(c)3*, Classification Appeals Procedure, the supervisor and program manager/division director shall complete their portions of the questionnaire and provide their signatures on the form ... within fifteen days of the employee's submission of the petition to the immediate supervisor. By no later than the end of this period, the program manager/division director shall submit to the agency representative the completed questionnaire, along with the petitioner's most recent PAR form (*See N.J.A.C. 4A:6-5*).

Under these particular circumstances, the petitioner has provided a sufficient basis to substantiate that there was an undue delay on the part of her supervisor in the processing of the request for reclassification due to adapting to new procedures to accommodate Covid-19 issues, and personal matters. Since there is no indication in the record that the appellant was not performing Claims Investigator 2 duties from March 2, 2020 forward, for the purpose of establishing an effective date, assuming that the supervisor forwarded the appeal within the 15 days specified in *N.J.A.C. 4A:3-3.9(c)3*, it would have been received by Human Resources on March 17, 2020, and forwarded within ten days to Agency Services on March 27, 2020. *N.J.A.C. 4A:3-3.9(f)* provides that if an appeal is upheld, the effective date of implementation shall be, in State service, the pay period immediately after fourteen days from the date the appeal or reclassification request is received, or at such earlier date as directed by the Civil Service Commission. Therefore, in accordance with established controlling regulatory procedure, the appellant is to be granted at retroactive effective date of April 11, 2020. Further the appellant should receive differential pay from April 11, 2020 to May 21, 2021, and for any other periods thereafter based on any salary step change caused by the retroactive date.

ORDER

Therefore, it is ordered that this appeal be granted, and the petitioner be granted a retroactive effective date of April 11, 2020. Further, the appellant should receive differential pay from April 11, 2020 to May 21, 2021, and for any other periods thereafter based on any salary step change caused by the retroactive date.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF OCTOBER, 2021

Deirdre' L. Webster Cobb

Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Melissa Natalewicz
Holly Foster
Division of Agency Services
Records Center